

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DEREK TUCSON, ROBIN SNYDER,
MONSIEREE DE CASTRO, and ERIK
MOYA-DELGADO,

Plaintiffs,

v.

CITY OF SEATTLE, ALEXANDER
PATTON, TRAVIS JORDAN, DYLAN
NELSON, JOHN DOES (#1-4), and JANE
DOES (#1-2)

Defendants.

No. 2:23-cv-00017-MJP

DECLARATION OF ERIK MOYA-
DELGADO IN SUPPORT ON MOTION
FOR PRELIMINARY INJUNCTION

I, Erik Moya-Delgado declare:

1. I am over the age of 18 and am competent to testify. I am a Plaintiff in this case. I have personal knowledge of the following.
2. On January 1, 2021, the defendants arrested me for writing in temporary sidewalk chalk on the barrier obstructing the sidewalk outside of the East Precinct building. My message was protesting racialized violence by the Seattle Police Department and expressing solidarity with victims. Communicating my message to the police specifically was my goal. My message was intended for the public and for government officials like police officers and that audience was an important part of my message.

DECLARATION OF ERIK MOYA-DELGADO ISO MOTION FOR
PRELIMINARY INJUNCTION - 1

No. 2:23-cv-00017-MJP

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

- 1 3. Before this incident, I had been chalking the names of police violence victims at vigils
2 and memorials, using temporary chalk on public sidewalks.
- 3 4. Since the arrest, I have not engaged in any public chalking to express political views or
4 urge political change. The arrest caused me to stop chalking and continues to dissuade
5 me from chalking. I believe the Seattle Police Department will continue to use the law
6 against me, and will prosecute me chalking if engage in this kind of political expression
7 again. I also worry that the record of my first arrest for chalking would be used against
8 me.
- 9 5. If the law the SPD used to arrest me was found unconstitutional and the SPD was
10 prohibited from arresting, prosecuting, or retaliating against me for chalking, then I
11 would very likely resume my political chalking.
- 12 6. In response to this lawsuit, I understand the City recently amended the ordinance I was
13 arrested under. I have reviewed the language of the amended ordinance, which does not
14 alleviate my fear of arrest for chalking.

15
16 I declare under penalty of perjury of the laws of the United States of America that the
17 foregoing is true and correct.

18
19 DATED this 21 day of March, 2023, at Seattle, Washington.

20
21 

22 Erik Moya-Delgado (Mar 21, 2023 14:09 PDT)

23 Erik Moya-Delgado
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25
26
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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individuals:

Attorneys for Defendants

Ann Davison
Seattle City Attorney

Jessica Leiser, WSBA#49349
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Assistant City Attorney
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Seattle City Attorney's Office
701 Fifth Avenue, Suite 2050
Seattle, WA 98104

DATED this 23rd day of March, 2023, at Seattle, Washington.

s/ Lucas Wildner
Lucas Wildner, Legal Assistant

DECLARATION OF ERIK MOYA-DELGADO ISO MOTION FOR
PRELIMINARY INJUNCTION - 3

No. 2:23-cv-00017-MJP

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Moya-Delgado Declaration

Final Audit Report

2023-03-21

Created:	2023-03-21
By:	Lucas Wildner (lucasw@mhb.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAokaG0dB_qTrO7yK2Wy-9M38sGI7-kKyu

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2023-03-21 - 8:52:24 PM GMT
-  Document emailed to [REDACTED] for signature
2023-03-21 - 8:53:35 PM GMT
-  Email viewed by [REDACTED]
2023-03-21 - 9:06:49 PM GMT
-  Signer [REDACTED] entered name at signing as Erik Moya-Delgado
2023-03-21 - 9:09:09 PM GMT
-  Document e-signed by Erik Moya-Delgado ([REDACTED])
Signature Date: 2023-03-21 - 9:09:11 PM GMT - Time Source: server
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